



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Sally C. Medley
Telephone: 571-272-9797
Facsimile: 571-273-0042

MAILED

MAY 17 2005

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicants: BOFFITO
Application No.: 08/675,969
Filed: 07/05/96
For: Thermally insulating jacket and related process

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,312.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

Mail Stop Interference
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Filed: 17 May 2005

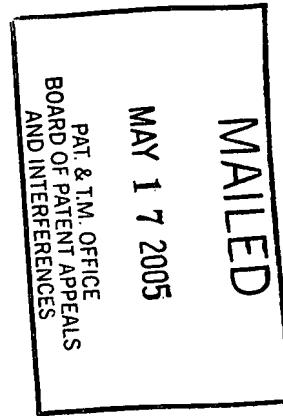
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

DAVID B. KIRBY and NIHAT O. CUR
Junior Party
(Patent 5,505,810),

v.

CLAUDIO BOFFITO, ANTONIO SCHIABEL
and ALLESSANDRO GALLITOGNOTTA
Senior Party
(Application 08/675,969¹).



Patent Interference No. 105,312

DECLARATION - Bd.R. 203(d)

Before Sally C. Medley, Administrative Patent Judge.²

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any),

¹ Application for reissue of Patent 5,408,832, issued 25 April 1995, based on application 08/278,129, filed 21 July 1994.

² As part of Board efforts under the Government Paperwork Elimination Act, signatures on papers originating from the Board are being phased out in favor of a completely electronic record. Consequently, in this case papers originating at the Board will not have signatures. The signature requirements for the parties have not changed. See, e.g., 37 C.F.R. § 10.18.

count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Sally C. Medley has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

Part C. Standing order

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

The Board is conducting a DVD pilot project. A copy of the procedure is attached to this order.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for 1:30 p.m. on 12 July 2005 (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER³. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

³ Default times for time periods 1-10 are attached.

The Board is conducting an electronic filing pilot project. A copy of the procedure is attached to this order. Counsel should be prepared to discuss participation in the pilot project.

Part E. Identification and order of the parties

Junior Party

Named inventors: DAVID B. KIRBY, St. Joseph Town, Michigan
NIHAT O. CUR, Royalton Township, Michigan

Patent: 5,505,810

Title: Getter system for vacuum insulation panel

Assignee: Whirlpool Corporation

Accorded Benefit: None

Senior Party

Named Inventors: CLAUDIO BOFFITO, Rho, Italy
ANTONIO SCHIABEL, Garbagnate, Italy
ALLESSANDRO GALLITOGNOTTA, Rho, Italy

Application: 08/675,969

Title: Thermally insulating jacket and related process

Assignee: None

Accorded Benefit: 08/278,129, filed 21 July 1994
08/038,643, filed 29 March 1993
07/979,326, filed 20 November 1992

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

Part F. Count and claims of the parties

Count 1

claim 25 of application 08/675,969

or

claim 1 of patent 5,505,810

The claims of the parties are:

Kirby: 1 and 2

Boffito: 24 and 25

The claims of the parties which correspond to Count 1 are:

Kirby: 1 and 2

Boffito: 25

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Kirby: none

Boffito: 24

Part G. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

Part H. Required paragraph for affidavits and declarations

The Board has recently experienced a rash of cases in which a witness has belatedly advanced reasons why he or she would be unable to appear for cross examination at a reasonable time and place in the United States. Consequently, the Board is requiring the following paragraph to be included on the signature page of all affidavits (including declarations) filed in this case to prevent surprise and hardship to the party relying on the testimony of the witness:

In signing this affidavit/declaration, I recognize that the affidavit/declaration will be filed as evidence in a contested case before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office. I also recognize that I may be subject to cross examination in the case and that cross examination will take place within the United States. If cross examination is required of me, I will appear for cross examination within the United States during the time allotted for cross examination.

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 5,505,810
Copy of claims of 08/675,969
Copy of U.S. Patent 5,408,832
Copy of default times for time periods 1-10
Copy of e-filing pilot project order
Copy of DVD pilot project order

Revised January 2005

cc (via overnight delivery):

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